IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3758 OF 2006

The Registrar,
Mahatma Phule Krishi Vidyapeeth, Rahuri
Dist. Ahmednagar & Ors. ..Petitioners.

Vs.

Ashok Dattoba Chavan & anr. ..Respondents.

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Ms. Neeta Karnik for the Petitioners.
Mr. M.S. Topkar for Respondent No.1.

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CORAM: DR. D.Y. CHANDRACHUD, J.

13th July, 2006.

P.C. :

The First Respondent was appointed initially as a Mazdoor on compassionate basis upon the death of his mother who was an employee of the Mahatma Phule Krishi Vidyapeeth. The initial appointment was issued on 19th May, 1985. On 4th November, 1989 the First Respondent was appointed to the post of Laboratory Attendant on the same pay scale. At the relevant time the pay scale for the post of Mazdoor was the same as that of Laboratory Attendant. On 17th October, 1994 the State Government issued a Government Resolution revising the pay

scales for the post of Laboratory Attendant in view of the requirement for holding certain additional qualification. The First Respondent was accordingly allowed the higher pay scale on 19th February, 1996. Subsequently, the First Respondent was disallowed the higher pay scale and recoveries came to be initiated. The First Respondent moved a complaint of unfair labour practices in which the Industrial Court set aside the orders passed by the Petitioners and directed that the First Respondent be continued in the revised pay scale of Laboratory Attendant with consequential benefits .

There is no dispute about the fact that at all material times after his appointment to the post of Laboratory Attendant, the First Respondent has been continued by the Petitioners on the same post. Similarly there is no dispute about the fact that the First Respondent meets all the requirements of the Government Resolution dated 17th October, 1994. If the contention of the Petitioners was that the First Respondent has not been duly selected by a selection committee, then the First Respondent would have been sent back to the original post of Mazdoor to which he was appointed. That was not the case here. The First

Respondent has continued on the post of Laboratory Attendant and continues until date. In that view of the matter, there is no reason why the benefit of the Government Resolution dated 17th October, 1994 should not be granted to the Respondent who otherwise fulfills the relevant qualification. In these circumstances, the order of the Industrial Court does not warrant interference under Article 227. The Petition is dismissed.